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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,210	09/25/2003	Katsuhisa Yamaguchi	0905-0292P	2143

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EXAMINER
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SIKRI, ANISH

ART UNIT	PAPER NUMBER
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2443

NOTIFICATION DATE	DELIVERY MODE
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02/05/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

Application No.

10/669,210

Applicant(s)

YAMAGUCHI ET AL.

Examiner

ANISH SIKRI

Art Unit

2443

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claim 7 is cancelled

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6, 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brickell et al (US Pub 2003/0115142) hereafter known as Brickell, in view of Kronz (US Pat 6,675,196).

Consider Claim 1, Brickell et al discloses digital service system comprising a client computer, a service server and a center server, wherein said service server includes a first transmitting device for sending said center server data indicating content of a service implemented in said service server (Brickell et al, Fig 1, 4, [0018]),. The Client Computer is being treated as a user 102, 402 stated in (Brickell Fig 1, Fig 4, [0006]). Service center is treated as authentication server 106, 408 stated in (Brickell Fig 1, Fig 4, [0018]). The center server is being treated as Relying Party 104, 404 (Brickell, Fig 1, Fig 4, [0018]). And said center server includes: a storage control device that stores the service-content data (Brickell, [0018], the relying party does send the information obtained from the service server). Service authorization-level data and address data (Brickell, [0018]-[0019], which has been transmitted from said first transmitting device of said service server (Brickell, [0019], Brickell discloses the service server providing authorization level data), in a management table (Brickell, [0025], Brickell disclosed on collection of authentication mechanisms stored in a database).

But Brickell et al does not explicitly state said client computer includes a second transmitting device for sending said center server a service-list request command; and

said center server includes: a storage control device for storing the service-content data, service authorization-level data and address data, which has been transmitted from said first transmitting device of said service server, in a management table; a service-list generating device for generating a service list, which includes service content and network address of said service server, from the data that has been stored in the management table, based upon the service authorization level in response to the service-list request command transmitted from said second transmitting device of said client computer; and a third transmitting device for sending said client computer data indicating the service list that been generated by said service-list generating device.

Nonetheless, Kronz disclosed said client computer includes a second transmitting device that sends service-list request command (Kronz, Col 7 Lines 58-64, Kronz disclosed on how the server discloses the list of services provided); a service-list generating device that, in response to the service list request command, generates a service list (Kronz, Col 7 Lines 58-64), which includes service content and network address of said service server (Kronz, Col 2 Lines 56-65, Kronz disclosed on how the server identifies itself, by identifying itself, its location is known), such that the service content and network address information contained in the service list is determined by the service authorization level (Kronz, Col 2 Lines 35-37, Col 7 Lines 58-62); and a third transmitting device that sends said service list to client computer (Kronz, Fig 2, Col 6 Lines 48-60, Kronz disclosed on how many different types of servers can be clients versa or both etc. in many ways which can send the service list).

Both Brickell and Kronz provide features related to communication in the network between clients and servers. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore, it would be obvious to a person of ordinary skill in the art at the time of the invention was made to implement the use of system generated service list from the server which is to be transmitted to the client's request, taught by Kronz, for the purpose of utilizing a peer-to-peer network system in which a user is provided with a service.

Consider Claim 2, and as applied to claim 1 above, Brickell-Kronz et al disclosed that the client computer further includes a fourth transmitting device for transmitting a service request to a service server having an address contained in a service list (Kronz, Col 7 Lines 58-64, Kronz disclosed on how the server discloses the list of services provided) represented by service list data that has been transmitted from said third transmitting device of said center server (Kronz, Fig 2, Col 6 Lines 48-60, Kronz disclosed on how many different types of servers can be clients versa or both etc. in many ways which can send the service list).

Consider Claim 3, and as applied to claim 1 above, Brickell-Kronz disclosed the service server further includes: an authentication device for authenticating said client computer in response to a service request transmitted from said fourth transmitting device of said client computer (Brickell et al, Fig 3, Fig 4, [0036], [0057]); and a service execution device for executing processing (Brickell et al, Fig 3, Fig 4, [0036], [0071]),

which is based upon the service request transmitted from said fourth transmitting device of said client computer, in response to authentication by said authentication device (Brickell et al, Fig 3, Fig 4, [0071]). Brickell et al clearly shows on how the server conducts authentication in a peer-to-peer network system when the client requests a service request.

Consider Claim 4, Brickell disclosed a center server (Brickell, Fig 1, Fig 4, [0018]) comprising: a storage control device receives data indicating content of a service by a service server (Brickell Fig 1, Fig 4, [0018], Service center is treated as authentication server 106, 408) a center server (Brickell, Fig 1, Fig 4, [0018], the center server is being treated as Relying Party) comprising: data indicating service authorization (Brickell, [0018]-[0019], and storing data in a management table (Brickell, [0025], Brickell disclosed on collection of authentication mechanisms stored in a database);

Brickell does not explicitly disclose a service-list generating device that generates a service list, which includes service content and network address of said service server based upon a service authorization level in response to a service-list request command transmitted from a client computer, wherein the service content and network address information contained in the service list is determined by the service authorization level associated with the service-list request command; and a transmitting device that sends the client computer data indicating the service list that has been generated by said service-list generating device.

Nonetheless, Kronz discloses a service-list generating device that generates a service list, which includes service content and network address of said service server (Kronz, Col 7 Lines 58-64, Kronz disclosed on how the server discloses the list of services provided), based upon a service authorization level in response to a service-list request command transmitted from a client computer (Kronz, Col 2 Lines 35-37, Col 7 Lines 58-62, Kronz disclosed on how a service list is requested by the client), wherein the service content and network address information contained in the service list is determined (Kronz, Col 2 Lines 56-65, Kronz disclosed on how the server identifies itself, by identifying itself, its location is known) by the service authorization level associated with the service-list request command (Kronz, Col 2 Lines 35-37, Col 7 Lines 58-62, Kronz disclosed on how the service list is requested); and a transmitting device that sends the client computer data indicating the service list that has been generated by said service-list generating device (Kronz, Fig 2, Col 6 Lines 48-60, Kronz disclosed on how many different types of servers can be clients versa or both etc. in many ways which can send the service list).

Both Brickell and Kronz provide features related to communication in the network between clients and servers. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore, it would be obvious to a person of ordinary skill in the art at the time of the invention was made to implement the use of system generated service list from the server which is to be transmitted to the client's request, taught by Kronz, for the purpose of utilizing a peer-to-peer network system in which a user is provided with a service.



Claim 5, it is has similar limitations as Claim 1, therefore it is rejected under the same rational as Claim 1.

Claim 6, it is has similar limitations as Claim 4, therefore it is rejected under the same rational as Claim 4.

Consider Claim 8, Brickell-Mighdoll et al disclosed the digital service system of claim 1 wherein said network address further comprises an Internet Protocol (IP) address (Kronz, Col 7 Lines 15-16, the use of TCP/IP sockets, which in the art uses network addresses).

Claim 9, it is has similar limitations as Claim 8, therefore it is rejected under the same rational as Claim 8.

Claim 10, it is has similar limitations as Claim 8, therefore it is rejected under the same rational as Claim 8.

Claim 11, it is has similar limitations as Claim 8, therefore it is rejected under the same rational as Claim 8.

***Response to Arguments***

Applicant's arguments with respect to claims 1-6, 8-11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANISH SIKRI whose telephone number is 571-270-1783. The examiner can normally be reached on 8am - 5pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anish Sikri  
a.s.

January 31, 2009

/Tonia LM Dollinger/  
Supervisory Patent Examiner, Art Unit 2443